



## Complaint Procedures

*Pursuant to programs administered under the McKinney-Vento Education for Homeless Children and Youth Act*

This document addresses the requirements of 42 USC § 11432 for resolving complaints applicable to comparable educational services as covered by McKinney-Vento. A complaint may be submitted by any individual or organization, in-state or out-of-state, and is defined as a written, signed allegation that a federal or state law, rule, or regulation has been violated by a local school corporation or the Indiana Department of Education (IDOE). A complaint must include a statement that a school corporation or the IDOE has violated a statute, rule, or regulation applicable to a covered educational service and the facts on which the statement is based. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

**PART 1:** A complaint may be filed by parents, teachers, administrators, or other concerned individuals or organizations. A comparable service is defined as a service for homeless students comparable to those offered to permanently housed students; they include transportation services, educational services such as Title I, special education, vocational or technical education, gifted and talented programs, programs for students with limited English proficiency, and school nutrition programs [20 USC § 11432(g)(4)].

- (A) As required by 42 USC § 11432(g)(1)(C), school corporations will adopt written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the McKinney-Vento program. Therefore, for complaints originating at the local level, a complaint should not be filed with the IDOE until every effort has been made to resolve the issue through local written complaint procedures.
- (B) Complaints to the IDOE shall provide, in writing, the facts on which the complaint is based, and must be signed. Complaints may be faxed or mailed. Persons making written complaints shall register such complaints with the director of the Division of Educational Options; Indiana Department of Education; Room 299, State House; Indianapolis, Indiana 46204.

**PART 2:** Upon receipt of a complaint:

(A) The IDOE will issue a letter of acknowledgement to the complainant that contains the following information:

- The date that the IDOE received the complaint;
- How the complainant may provide additional information;
- A statement of the ways in which the IDOE may investigate the complaint;
- The IDOE's commitment to issue a resolution in the form of a "Letter of Findings."

If the complaint involves an LEA, the IDOE also will send a copy of the acknowledgment letter to the local McKinney-Vento Liaison and the local superintendent, along with a copy of the complaint.

(B) The Assistant Superintendent of the relevant IDOE division will assign a DOE staff person to be the Complaint Investigator.

(C) The Complaint Investigator will:

- a. Carry out an independent on-site investigation, if the IDOE determines that such an investigation is necessary;
- b. Review all relevant information and make an independent determination as to whether the public agency has complied with the McKinney-Vento program;
- c. Issue a complaint investigation report, entitled *Letter of Findings*, to the complainant that addresses each allegation in the complaint and contains Findings of Fact, Conclusions, and Corrective Actions (with a specified timeline) where warranted, as well as the reasons for the IDOE's final decision.

(D) Where there are exceptional circumstances present with regard to a particular complaint, an extension of time can be granted to complete the investigation. Time extensions may only be granted after review by the Assistant Superintendent of the division.

**PART 3:** When investigating complaints concerning the IDOE, the Complaint Investigator will adapt the process used for LEAs. The complainant will be notified of the procedures being followed to investigate the complaint and will be provided with an appropriate opportunity to review any corrective action the IDOE proposes to take.

**PART 4:** The IDOE will review and investigate complaints and complete the *Letter of Findings* within 30 calendar days of receipt of a complaint. Complainant(s) will be notified, in writing, if exceptional circumstances exist requiring an extension of the 30-day time period, as described in Part 2(D). A complaint is considered resolved when the IDOE has released the *Letter of Findings* and corrective action has been achieved, where warranted. Until the resolution of the dispute, the educational services in question must be provided as requested by the submitting party.

**ATTACHMENT:** 42 USC § 11432(g)(1)

**United States Code**  
**Title 42 Chapter 119 Subchapter VII Part B § 11432(g)(1)**

**(g) State plan**

**(1) In general**

Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.

(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

(F) A description of procedures that ensure that—

(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

(iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3) of this section.

(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

(i) immunization and medical records requirements;

(ii) residency requirements;

(iii) lack of birth certificates, school records, or other documentation;

(iv) guardianship issues; or

(v) uniform or dress code requirements.

(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

(J) Assurances that—

(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;

(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and

(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.